

SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
JUNE 9, 2022
5:00 p.m.
WORK STUDY 4:00 p.m.

SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 112
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:

BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
JIM HARRISON
SHAWN UTLEY

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES
MARSHALL BOYD, COUNTY ENGINEER
TERRY HAYNES, DEPUTY BUILDING OFFICIAL

Mr. Rainey called the meeting to order, and asked for approval of the May meeting minutes.

Ms. Webster made a motion to approve the May 2022 Minutes, seconded by Mr. Harrison. The motion was approved unanimously, with Mr. Utley abstaining.

Mr. Rainey asked if there are any changes to the Agenda.

Mr. Suddath stated yes, explaining that staff is requesting a 30-day deferral of the David and Rita Leath continuation, as they have been having problems with obtaining a required permit from the State Fire Marshall.

Mr. Rainey stated that, without objection, the Consent Agenda item, David and Rita Leath, will be deferred until next month.

CONSENT AGENDA:

- 1. David and Rita Leath** are requesting a continuation of their Conditional Use Permit to operate an event venue. Subject property is located at **5595 Coleytown Road, Westmoreland, TN, 37186**, is on Tax Map 044, Parcel 050.01, contains 47.4 acres, is zoned Rural Residential RR) and is in the 1st Commission Voting District (Terry Wright and Moe Taylor). **Adjoining property owners were notified by regular mail.**

Deferred for one month.

REGULAR AGENDA:

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

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- 1. Gary Eldred McKnight** is requesting a variance from County requirements contained at Chapter 4, Section 404 of the Sumner County Zoning Resolution related to encroachment of an accessory structure within a side yard setback. Variance is being requested in accordance with Chapter 14, Section 1410 of the County Zoning Resolution. Subject property is located at **1131 Hilton Lane, Castalian Springs, TN, 37031**, is on Tax Map 129, Parcel 002.03, contains 6.9 acres, is zoned Rural Residential (RR) and is in the 3rd Commission Voting District (Alan Driver and Steve Graves). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, May 26, 2022.**

Mr. Suddath provided an overview of the property, and displayed the Public Notice, an aerial photo of the property, flood map of the property and the zoning compliance application. Mr. Suddath explained that the proposed location of the accessory structure would require an 8' variance, as it encroaches 12 feet into the side-yard setback. Mr. Suddath displayed the surveyor's Plot Plan, depicting an existing concrete slab located 12 feet from the property line.

Mr. Suddath reviewed the Standards for Variances and then displayed the Public Notice sign posted on the property. Mr. Suddath concluded his presentation with example motions and turned the meeting over to Mr. Rainey.

Mr. Rainey opened the Public Hearing.

Gary McKnight, 1131 Hilton Lane, stated the request for an 8-foot variance to construct an accessory structure, due to the existence of the concrete slab and the location of the creek and flood zones.

Mr. Rainey asked Mr. McKnight if he installed the concrete slab.

Mr. McKnight stated that he did install the concrete slab.

Mr. Rainey asked if he checked the setbacks before pouring the concrete.

Mr. McKnight stated that he thought this area was considered the rear yard, not the front yard.

Mr. Rainey closed the Public Hearing.

Mr. Utley asked to see the floodplain on the Plot Plan, and asked for the dimension from the slab to the flood line.

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Mr. Suddath stated that it is about 40 feet.

Mr. Holt asked for clarification of the 8' variance request and stated that there appears to be area to relocate the structure.

Mr. Suddath stated that there is.

Mr. Holt asked how far the structure would be from the floodplain if it were moved to meet the setback requirement.

Mr. Suddath answered that it would be about 30 feet from the flood line.

Mr. Harrison stated for clarification that the requestor thought the front yard was the rear yard, however, Zoning Regulations consider the area of the structure to be the front yard.

Mr. Rainey concurred.

Mr. Rainey made a motion to find that all County variance standards are met and to approve a request for a variance allowing encroachment of an accessory structure within a required side yard setback in accordance with the submitted plot plan for 1131 Hilton Lane, Castalian Springs, contingent upon:

- a) All required Zoning, Building and Land Disturbance Permits must be obtained from the applicable County departments**
- b) Accessory Dwelling Unit permit must be obtained for primary residence, which is unrelated to this variance.**

Mr. Utley seconded the motion, for discussion.

Mr. Utley asked what the hardship would be.

Mr. Rainey stated that the hardship is misinterpretation of the Zoning Code, by the applicant.

A vote was taken:

Rainey – Yes

Webster – Yes

Holt – No

Harrison – No

Utley – No

The motion to approve failed, and the variance request was denied.

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Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

2. Safe Harbor Development, represented by 615 Design Group, is requesting a Special Exception related to a proposed Cluster Residential Development to be called “**Avery Trace**” containing 115 residential building lots. Special Exception is being requested in accordance with Chapter 14, Section 1411, Subsection E.5 of the County Zoning Resolution, and would allow a reduction in minimum lot sizes while maintaining the overall density allowed by the property’s current zoning. Subject property is located at **Hartsville Pike and Hilton Lane, Castalian Springs, TN, 37031**, is found at Tax Map 111, Parcel 043.00, contains 125.8 acres, is zoned Rural Residential (RR) and is in the 3rd Commission Voting District (Alan Driver and Steve Graves). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, May 26, 2022.**

Mr. Suddath provided an overview of the property, stating that this request would authorize the BZA to utilize provisions of the County Zoning Resolution related to “Clustering” of Residential Lots. The Clustering Provision allows reduction of minimum lot sizes, if overall density of base zoning is not exceeded. Mr. Suddath stated that those Provisions are found at Chapter 14, Section 1411 Subsection E.5 of the County Zoning Resolution. “Cluster” provisions have been in place in County Zoning Resolution since the original adoption of Zoning in 1973.

Next, Mr. Suddath explained that the Utilities for the property:

- Water: Castalian Springs/Bethpage Utility District
- Electric: Cumberland Electric Membership Corporation
- Sewer: Tennessee Wastewater (Adenus)

Mr. Suddath displayed an aerial view of the property, the Public Notice printed in The Gallatin News, the Public Notice sign posted on the property, and the Conceptual Plan provided by the applicant. Mr. Suddath added that the Bledsoe Crossing subdivision across the street is almost completed.

Explaining the Conceptual Plan, Mr. Suddath explained that the site contains 125.8 acres, with 115 proposed lots, meeting the density requirements. Lot sizes range from 17,000+ square feet to 30,000 square feet. Mr. Suddath stated that this request meets the Open Space Requirements of 40%, as this property contains 44.75% of the overall property being provided as Open Space. Mr. Suddath explained that the lot sizes have been reduced by 2,169,834 square feet, which must be left as Open Space. This plan has 2,452,386 sq ft (44.75%) of the overall property left as Open Space.

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Mr. Suddath displayed the property location in the County's Comprehensive Plan, stating **this is in the Castalian Springs Historic District. Mr. Suddath stated that single-family residential development is not subject to design review within this Historic District.**

Mr. Suddath then explained the intent of Cluster Residential Developments, per the County Zoning Resolution, *"to promote greater flexibility to achieve superior scenic and environmental quality and recreational opportunity close to home by providing for residential and subdivision that incorporate permanent local open space accessible to all residential lots. Instead of the conventional subdivision procedure that results in homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard size requirements to be reduced to permit closer grouping or 'clustering' of homes on a portion of the site, but without increasing the overall density of the underlying base zoning"*.

Next, Mr. Suddath explained the Zoning Resolution Requirements (Chapter 14, Section 1411, Subsection E.5), regarding Cluster Residential Developments, including; Procedures, Development Standards, Local Open Space and Open Space Operation and Maintenance Standards. Mr. Suddath stated that this application addresses and meets those requirements. Mr. Suddath explained that while a Soil Map and Letter of wastewater utility has been submitted, State approval has not yet been received.

Mr. Suddath then reviewed the conclusions and recommendations of the Traffic Study, which state that there will be required road improvements to Hartsville Pike.

Addressing the four Key Requirement/Required Findings for Special Exceptions, Mr. Suddath stated that the special exception shall only be granted provided the Board makes specific findings that it:

- 1) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

Staff Interpretation: Project located along a major state thoroughfare. Two road accesses shown. Road improvements will be required during platting process in accordance with Traffic Study and County Subdivision Regulations.

- 2) Will not adversely affect other property in the area in which it is located;

Staff Interpretation: Impacts to be mitigated through road improvements, required buffering etc as required by traffic study and County Zoning Resolution. Density is not greater than what is allowed by base zoning.

- 3) Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

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Staff Interpretation: Applicable requirements appear to be generally met. However, while a Soil Map and Letter from Utility have been provided for the STEP system, no STEP system design or State approval has been provided. Applicant is requesting that obtaining State approval be a BZA condition of Approval. No additional Planning Commission approvals would be allowed until such time as this is done.

4) Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Staff Interpretation: Proposed overall density is less than what is allowed by right for the subject property, and is comparable to another development across the street (Bledsoe Crossing), except that this development will have common open space, sidewalks, wider roadways etc. Impacts must be mitigated via traffic improvements, required buffering, Stormwater improvements etc.

Mr. Suddath then explained the next steps and concluded his presentation with example motions, before turning the meeting over to Mr. Rainey.

Mr. Rainey asked the applicant to come forward to speak, if wishing to add additional information.

CJ Murrell, 615 Design Group, explained that the preliminary soil analysis came back positive for the STEP System. Mr. Murrell stated that they have been in discussion with TN Wastewater/Adenis throughout this process, adding that it takes 120 days to receive approval for a Step System. Mr. Murrell requested that obtaining the STEP System approval be a condition of approval for this Special Exception.

Mr. Suddath stated that the applicant provided architectural renderings of the proposed houses today. Mr. Suddath entered those renderings into the record and distributed copies to the Commission members.

Mr. Rainey asked about vegetative screening at the back of the lots on Hartsville Pike.

Mr. Murrell stated that the plan does meet the buffer requirements of a 100-foot landscape buffer for Cluster lots along Hartsville Pike and Hilton Lane.

Mr. Suddath stated that if the BZA wishes to impose a specific landscape buffer, they might do so.

Mr. Rainey asked Mr. Suddath if there are plans for the buffer.

Mr. Suddath stated no, explaining that the code states that a buffer is required to be a distance off other property boundaries. Mr. Suddath added that if the BZA wishes to, they may impose plantings as a requirement for a condition of approval.

Mr. Rainey asked if the Board could have any say over the house sizes.

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Mr. Suddath answered no.

Mr. Rainey then asked if there have been discussions with TDOT to make sure that the required road improvements are doable.

Mr. Suddath stated that the Traffic Study was conducted by Fischbach Transportation Group. Mr. Suddath stated that TDOT will have to be consulted; adding that if improvements are warranted from a traffic study, it is highly unlikely that they would not approve those improvements, but TDOT would have the final say.

Mr. Rainey opened the Public Hearing.

Donald Lyles, 1071 Hilton Lane, expressed opposition, stating concern that the STEP System may leak and create runoff into Lick Creek and Bledsoe Creek.

Earl Linn, 2628A Hartsville Pike, expressed opposition, stating concerns of Wastewater, the STEP System, and the small size of the lots. Mr. Linn stated that these should match the surrounding area with 1-acre lots containing individual septic systems.

Karen Bookout, 1006 Quailwood Cove, expressed opposition, stating concern of endangered species, suburban sprawl and the environment. Ms. Bookout requested a deferral of this request pending environmental test results for the presence of stream-side salamanders and Cumberland arrow-darters in the Deshea, Bledsoe, and Lick Creeks.

Kurt Jahnke, 522 Corum Hill Road, expressed opposition, stating concern of the small lot sizes and the STEP System problems of leakage and pollution.

Joe Yount, 1036 Hilton Lane, stated he is retired from Metro Nashville Water. Mr. Yount expressed opposition, stating concern of flooding, geological features (sinkholes, springs) and the STEP System, as it is not connected to a sewer system.

Kyler Weatherington, 1046 Hilton Lane, expressed opposition, stating concerns of ecological effects, traffic, infrastructure concerns, inconsistencies with surrounding historical area, the STEP System, but mostly flooding concerns. Mr. Weatherington asked for a deferral pending further information.

Taylor Blaine, 300 Seven Springs Way (did not speak).

Norm Smith, 1011 Lick Creek Road, expressed opposition, stating concerns of drainage, sewer, utilities, schools and urban sprawl. Mr. Smith asked for a deferral pending further data to show need.

Drew Taylor (did not speak).

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Randy O’Burke, 1012 Tom Mabrey Drive, expressed opposition, stating concerns of flooding and lack of infrastructure.

Bob Blakey, 615 Greenfield Lane, expressed opposition, stating that as a Planner with TDOT for 24 years, he is concerned with transportation issues, road improvement required changes and incompatibility of this plan with the 2035 Comp Plan. Mr. Blakey requested a deferral pending further transportation studies. At this time, Mr. Blakey submitted a letter containing transportation concerns.

Karen Summers, 1011 Tom Mabrey Drive, read a letter that she sent to Dr. Smith at MTSU, asking for intervention in this development, expressing concern that this area contains Native American artifacts and endangered wildlife.

David Klein, 398 Branham Mill Road, displayed a map of the area and expressed opposition, stating concern of the development’s compatibility with the surrounding area. Mr. Klein asked how this development could be compared to Bledsoe Crossing, addressing the density and small size of the proposed lots.

Steve Graves, 139 Chipman Road, expressed opposition, stating concerns with flooding, the STEP System, traffic, infrastructure and water availability. Mr. Graves agreed that the comparison to Bledsoe Crossing is not accurate. Mr. Graves requested a deferral for additional information.

Ross Heinen, 1323 Old Hopewell Road, expressed opposition, stating concerns of inconsistency with the area, surrounding lot sizes, and lack of adherence to the 2035 Comprehensive Growth Plan. Mr. Heinen stated that this should be approved only if it benefits the community.

Gary Kemp, 1043 Hilton Lane, expressed opposition, stating concerns of flooding, erosion and sinkholes.

Mary Genung, 1100 Lock 4 Road, expressed opposition, stating concerns of the surrounding historical character, artifacts and sewage. Ms. Genung asked for a deferral, stating that these developments burden citizens.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing. Mr. Rainey asked if the requestor held a Neighborhood Meeting.

Mr. Suddath stated that a Neighborhood Meeting was not required for this request, as this is not a Rezoning.

Mr. Utley addressed the Open Space, asking if it is contiguous.

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Mr. Suddath stated yes, adding that it must be accessible from the road and is required for public accessibility.

Mr. Utley expressed concern with TDEC and the STEP System.

Mr. Suddath explained that the Zoning Resolution states that TDEC approval must be in hand when they come to the BZA with the request for the Special Exception. Mr. Suddath stated that the applicant does not have TDEC approval, adding that the applicant is requesting that TDEC approval be a condition of a Plat application being submitted to the Sumner County Regional Planning Commission.

Mr. Utley asked about the compatibility of this development with the surrounding area.

Mr. Suddath referenced Chapter 14, Section 1414 of the Zoning Resolution, number 4, stating that it must be located so that it is compatible with the surrounding area, in providing safety to those using the facility. Mr. Suddath explained that Bledsoe Crossing has roughly one lot per acre in overall density, which is similar density of the proposed Cluster Development. Mr. Suddath stated that existing zoning would allow the surrounding 5-acre lots to potentially be subdivided into 1-acre lots, creating the same density, barring any private restrictions.

Mr. Rainey asked if any geographical reports had been submitted.

Mr. Suddath stated that while the BZA may require geological studies, that is something typically provided at the Preliminary Plat stage, concurrent with the Construction Plans. Mr. Suddath stated that a geological study would be required, as Castalian Springs has a presence of sinkholes and karst topography.

Mr. Rainey asked if a preliminary drainage plan has been submitted.

Mr. Suddath answered no, stating that the Drainage Study is required at the Preliminary Plat submittal stage. Mr. Suddath added that the BZA might request an in-depth drainage study, if desired.

Mr. Rainey stated concerns of 1) Fire Protection availability, 2) the two roads north of Hartsville Pike in the Traffic Study and 3) environmental concerns in the area.

Mr. Suddath stated that TDEC Environmental studies would be required at the Preliminary Plat submittal stage.

Mr. Holt asked about the water availability and fire protection.

Mr. Suddath stated that fire hydrants are required every 500 feet. If not available, this development could not proceed.

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Mr. Utley made a motion to deny the request for a Special Exception, based on three points:

- Lack of proof of adequacy of water
- Lack of proof of Wastewater Plan
- Lack of TDOT traffic analysis

Mr. Rainey seconded the denial, for discussion.

Ms. Webster stated that there is not enough information available to make this decision.

Mr. Harrison concurred, stating that they may need more time to gather further information.

There was discussion of the time needed to gather the requested information.

Mr. Utley changed his motion, stating that the new motion is to defer this item for 120 days in order to allow the applicant to provide additional documentation, including:

- 1) TDEC Step System approval**
- 2) Water letter and Fire pressure adequacy letter**
- 3) TDOT letter proving they have been contacted regarding input for this project**
- 4) Preliminary geotechnical report**
- 5) Cursory survey for endangered species**

Mr. Rainey seconded the amended motion, stating that at the end of 120 days, the applicant may request additional time for the deferral, if needed to obtain the required information.

Following a question from Mr. Utley, Mr. Suddath clarified that there are no plans with the MPO, at this time, to widen Hartsville Pike, and no funds have been allocated by the County, State or Federal government to do so.

The motion passed unanimously.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 3. Safe Harbor Development, represented by 615 Design Group, is requesting a Special Exception related to a proposed Cluster Residential Development to be called “MacGregory Downs” containing 166 residential building lots. Special Exception is being requested in accordance with Chapter 14, Section 1411, Subsection E.5 of the County Zoning Resolution, and would allow a reduction in minimum lot sizes while maintaining the overall density allowed by the property’s current zoning. Subject property is located at Branham Mill Road, Gallatin, TN, 37066, is found at Tax Map 106, Parcels 006.01 & 017.00, contains 174 acres, is zoned Rural Residential (RR) and is in the 3rd Commission Voting District (Alan Driver and Steve Graves). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, May 26, 2022.****

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Mr. Suddath stated that as this property will have the same concerns and questions as the previous item, the applicant in attendance at the meeting has requested a 120-day deferral for this item.

Ms. Webster made a motion to defer this item for 120 days, in order to allow the applicant to provide additional information.

Mr. Holt seconded the motion.

The motion passed unanimously.

Mr. Rainey encouraged the applicant to reach out to the neighbors.

At this time, Mr. Rainey called for a ten-minute recess.

Mr. Rainey called the meeting back to order and turned the meeting over to Mr. Suddath for staff presentation.

4. James Anderson is requesting a Special Exception to operate a Dog Boarding Kennel. This request is made pursuant to Chapter 14, Section 1411 G.4 of the County Zoning Resolution. Subject property is located at **2630 New Hope Road, Hendersonville, TN, 37075** is on Tax Map 117, Parcel 033.05, contains 8.3 acres, is zoned Rural Residential (RR) and is in the 11th Commission Voting District (Scott Langford and Jeremy Mansfield). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, May 26, 2022.**

Mr. Suddath provided an overview of the property, and displayed the Public Notice, an aerial photo of the property and the flood zones depicted on the property. Mr. Suddath then displayed the submitted application and Plot Plan. Mr. Suddath explained that there are some deficiencies with the Plot Plan, which will need to be amended upon the Site Plan submittal.

Mr. Suddath stated that the requested use of a dog-boarding kennel is classified, per the Zoning Resolution, as Animal Care and Veterinarian Services, which requires a Special Exception from the BZA in order to be conducted in the RR zoning.

Mr. Suddath then explained the four special conditions that must be met for Animal Care and Veterinarian Services listed in Chapter 4, Section 1411 of the Zoning Resolution. Mr. Suddath stated that this application meets the acreage requirements, setback requirements and buffering requirements. The property must gain Site Plan approval with a future Planning Commission submittal.

Mr. Suddath stated that the proposed structure will be 4232 sq. ft. with an animal capacity of 42 animals. The proposal includes a waste station for solids, septic for washout, well water and 16

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parking spaces (15 standard and one handicap). Mr. Suddath stated that it appears that they will actually need 18 parking spaces.

Mr. Suddath then displayed the submitted architectural rendering and the conceptual interior layout of the structure, including offices and kennels. Mr. Suddath displayed photos of the property and the Public Notice sign.

Mr. Suddath then addressed the four Required Findings for this request, explaining that a Special Exception shall only be granted provided the Board makes specific findings that it:

- Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

Staff Interpretation: The proposed location is located along a heavily travelled major State Thoroughfare. No traffic or other engineering study has been provided, but the Board may request one. The means of ingress and egress into and out of the site is a concern. Prior to approval, the Board may wish to obtain drawings and sight distance calculations as to how any driveway will be configured in order to ensure that vehicles can enter and exit safely.

In addition, the property is almost totally located within the 100-year flood plain. Any construction within the floodplain must meet any and all requirements of Chapter 10 of the County's Zoning Resolution related to Floodplain Management. A Site Plan must also be approved by the Planning Commission, prior to construction.

- Will not adversely affect other property in the area in which it is located;

Staff Interpretation: Established buffering requirements for the proposed use appear to be met. The use is generally well separated from other properties, and appears to be approximately 500 feet from the nearest single-family structure.

- Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

Staff Interpretation: The proposed use and associated improvements appear to conform to applicable provisions of the County Zoning Resolution. However, plot plan is not clear in terms of setbacks from the State Road, which will impact overall design of project since the rear of lot is Floodway. Parking is illustrative at this stage, and must be specifically addressed upon the future Site Plan submittal to the Planning Commission.

- Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

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Staff Interpretation: Proposed activity (dog boarding) is to be located on an 8 acre lot and would appear to be compatible with the surrounding area in general. Proposed architecture appears to be compatible as well.

The proposed location is located along a heavily travelled major State Thoroughfare. No traffic or other engineering study has been provided, but the Board may request one. The means in ingress and egress into and out of the site is a concern. Prior to granting any approval, the Board may wish to obtain drawings as to how any driveway will be configured in order to ensure that vehicles can enter and exit safely.

Mr. Suddath summarized that there are concerns with driveway access, the 100-year floodplain and with the Plot Plan.

Mr. Suddath concluded his presentation with example motions and turned the meeting over to Mr. Rainey.

Mr. Rainey opened the Public Hearing.

James Anderson (the applicant), 629 Bonita Parkway, stated that he is aware of the need to address the site plans and flood plain issues, explaining that before spending the money to obtain those studies, they are seeking BZA approval for the Special Exception. Mr. Anderson stated that Mr. Schaffer plans to construct a “top shelf” dog kennel that will be an asset to the area. He added that the dogs would not be kept outside, as they will have airing pens. Mr. Anderson stated that the solid waste area tank will be pumped out, and the liquid waste will be rinsed. Mr. Anderson added that a well will be utilized as the water supply.

Tonya Garrett, 2700 New Hope Road, spoke in opposition, expressing concern of noise pollution, odor and increased traffic.

Ralph Robinson, 2775 New Hope Road, spoke in opposition, stating concern of traffic, noise, odor and inconsistency with surrounding area.

Doug Mefford, 1843 Shell Road, spoke in opposition, stating concern of inconsistency with the 2035 Comprehensive Plan, stating that it violates the four following goals of the 2035 Plan 1) protection of natural resource, 2) efficient transportation system, 3) maintaining the character of the existing community, and 4) the preservation of the rural character of the area.

Keith Deaton, 1745 Shell Road, spoke in opposition, stating concerns of traffic, noise and odor.

Sheila Lowry, 1809 Shell Road, spoke in opposition, stating concerns of the decrease in farmland within the county and asked for a denial of this request.

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Hadley Brown, 1725 Shell Road, spoke in opposition, stating concern with traffic, safety and the location of the nearby school.

William Marshall, 2609 New Hope Road, spoke in opposition, stating concern of traffic and that this request is inconsistent with the area.

Andrew Galato, 1935 Shell Road, spoke in opposition, and stated concerns of the lack of a Site Plan, and the ancillary use of a Special Exception, noting a lack of continuation of Rural Residential use, and instead, creating a commercial use. Mr. Galato stated this request does not meet the minimum standards for a Special Exception and does not coincide with the county 2035 Plan.

Jason Legge, 1391 Hogans Branch Road, spoke in opposition, stating concern of the precedent that this sets, noise, traffic, and decrease in property values. Mr. Legge stated that this request only benefits the landowner, not the community.

Galen Clark, 3400 New Hope Road, spoke in opposition, stating concern of the presence of sinkholes, flooding, septic and added that this is not a home-based business.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Holt requested a Traffic Study and plans for the ingress/egress.

Mr. Harrison agreed, adding that a preliminary grading plan needs to be provided as well.

Mr. Suddath stated that the Grading Plan would be required at the Site Plan stage.

Mr. Harrison clarified that he felt it would be appropriate to ask for a conceptual grading plan, for the Board to be able to understand the property.

Mr. Harrison asked how long it would take the applicant to obtain a preliminary grading plan and traffic study.

James Anderson asked about the Pennington Development that is proposed; asking if he could utilize their traffic study.

Mr. Suddath stated that it is his understanding that that particular development will contain lots all over 5 acres, adding that will not be reviewed by the Planning Department and will not be required to obtain a traffic study.

James Anderson stated that the floor level of the structure will be required to be one foot higher than the flood elevation.

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Mr. Harrison asked how much time would be required to obtain the Traffic Study and Preliminary Grading Plan.

There was discussion.

Mr. Harrison made a motion to defer this item for 90 days to allow the applicant time to submit a Traffic Impact Analysis and Preliminary Grading Plan.

Mr. Holt seconded the motion.

Mr. Suddath asked if the Board wished to see more information regarding the structure.

Mr. Rainey asked if a LOMR would be required.

Mr. Suddath stated that as this is in the 100-year flood plain, they will be required to build up and submit a LOMR (Letter of Map Revision) to FEMA.

Mr. Rainey asked if this would be done at the Site Plan stage.

Mr. Suddath stated that information related to floodplain elevations would need to be submitted at that time.

Mr. Utley asked if the Special Exception would only allow certain activities.

Mr. Suddath explained that the County Zoning Codes have certain non-residential uses that are allowed upon appeal to the Board of Zoning Appeals. Mr. Suddath stated that if specific criteria is met, the Board may grant approval for those uses, in the form of a Special Exception. Mr. Suddath explained that Animal Care and Veterinarian Services have long been considered essential to the rural community, and have long been allowed upon appeal to the Board of Zoning Appeals.

A vote was taken. The motion passed unanimously.

There being no further business before the Board, **Ms. Webster made a motion to adjourn, seconded by Mr. Harrison.**

Meeting adjourned at 8:00 pm.

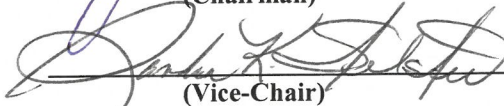
**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
JUNE 9, 2022
5:00 p.m.
WORK STUDY 4:00 p.m.**

APPROVED BY


(Chairman)

DATE

7-14-22


(Vice-Chair)

DATE

7-14-22

PREPARED BY

